

Syllabus.

NEELY *v.* HENKEL (No. 2).

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE
SOUTHERN DISTRICT OF NEW YORK.

No. 406. Argued December 10, 11, 1900.—Decided January 14, 1901.

The decision in this case follows that in No. 387, *ante*, 109.

THIS case was argued with No. 387, *ante*, 109, by the same counsel.

MR. JUSTICE HARLAN delivered the opinion of the court.

The record in this case, it is admitted, shows the same state of facts as in the case just decided. This was a second application for a writ of *habeas corpus*, upon substantially the same grounds as were urged in the other case. The additional allegations in this application for the writ did not materially change the situation.

For the reasons stated in the opinion just delivered, the judgment of the Circuit Court is

Affirmed.

DOOLEY *v.* PEASE.

ERROR TO THE CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

No. 97. Argued November 12, 1900.—Decided January 21, 1901.

In Illinois the law does not permit the owner of personal property to sell it and still continue in possession of it, so as to exempt it from seizure and attachment at the suit of creditors of the vendor; and in cases of this kind the courts of the United States regard and follow the policy of the state law.

Where a case is tried by the court, a jury having been waived, its findings upon questions of fact are conclusive in the courts of review,